

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

BETH CHANEY MACNEILL
Plaintiff

v.

TEXAS HEALTH HARRIS METHODIST
HOSPITAL FORT WORTH
Defendants

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CIVIL ACTION NO. 4:14-CV-242-O

DEFENDANT’S MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT

TO: THE HONORABLE REED O’CONNOR, UNITED STATES DISTRICT COURT
JUDGE FOR THE NORTHERN DISTRICT OF TEXAS

COME NOW TEXAS HEALTH HARRIS METHODIST HOSPITAL FORT WORTH, Defendant in the above-captioned matter (“Defendant”), and files its Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and § 74.351 of the Texas Civil Practice and Remedies Code, and Motion for Summary Judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure and other applicable rules. Defendant would show that pursuant to N.D. Local Rule 56.3(b), each of the required matters contained in LR 56.3(a) have been set forth in the Defendant’s Brief in Support Motion to Dismiss and Motion for Summary Judgment. The Brief in Support of this Motion is incorporated herein by reference for all purposes.

In addition, Defendant relies on summary judgment evidence contained in an Appendix and specifically referenced in its Brief. The Appendix to this Motion is incorporated herein by reference for all purposes. In this Motion for Summary Judgment and the accompanying Brief in support thereof, Defendant has presented undisputed evidence that supports an award of summary judgment in their favor on all issues presented in this litigation.

WHEREFORE, PREMISES CONSIDERED, Defendant Texas Health Harris Methodist Hospital Fort Worth prays this Court grant its Motion to Dismiss and Motion for Summary Judgment and enter an Order denying Plaintiff any and all recovery from and against Defendant, taxing all costs of court associated with this action against Plaintiff, and award Defendant its costs and attorney's fees incurred in the defense of this action, and for such other and further relief, both at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2015 I electronically filed the foregoing document with the clerk for the U. S. District Court, Northern District of Texas, using the Electronic Case Filing system of the Court. The Electronic Case Filing System sent a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to this Notice as service of this document by electronic means:

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